

MAY 07 2009

PAUL H. BROWN, JR., MAYOR
GOVERNOR

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ORDINANCE NO. 2009 - 005

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **STATE ROAD 7 / CARLYLE CLF (SCA 2009-004)**; MODIFYING PAGE 80 BY CHANGING A 9.17 ACRES PARCEL OF LAND LOCATED ON THE WEST SIDE OF STATE ROAD 7, APPROXIMATELY ½ MILE NORTH OF LANTANA ROAD, FROM LOW RESIDENTIAL, 2 UNITS PER ACRE & COMMERCIAL LOW WITH AN UNDERLYING 2 UNITS PER ACRE (LR-2 & CL/ 2) TO HIGH RESIDENTIAL, 8 UNITS PER ACRE & COMMERCIAL LOW WITH AN UNDERLYING 8 UNITS PER ACRE (HR-8 & CL/ 8); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on January 16, 2009, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
3 pursuant to Chapter 163, Part II, Florida Statutes, on March 30, 2009,
4 to review the recommendations of the Local Planning Agency and to
5 consider adoption of the amendments; and

6 **WHEREAS**, the Palm Beach County Board of County Commissioners has
7 determined that the amendment complies with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulation Act.

10 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
11 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

12 **Part I. Amendments to the Future Land Use Atlas of the Land Use**
13 **Element of the 1989 Comprehensive Plan**

14 The following amendment to the Future Land Use Element's Future
15 Land Use Atlas is hereby adopted and is attached to this Ordinance:

16 **A. Future Land Use Atlas page 80 is amended as follows:**

17 **Application No.:** State Road 7 / Carlyle CLF
18 (SCA 2009-004)

19 **Amendment:** Low Residential, 2 units per acre and
20 Commercial Low with an underlying
21 residential 2 units per acre (LR-2 & CL/2)
22 to High Residential, 8 units per acre &
23 Commercial Low with an underlying 8 units
24 per acre (HR-8 & CL/ 8);

25 **General Location:** West side of State Road 7 approximately 1/2
26 mile north of Lantana Road;

27 **Size:** Approximately 9.17 acres;

28 **Condition:** The density associated with the High
29 Residential, 8 units per acre (HR-8),
30 future land use designation shall only be
31 utilized for the development of the
32 property with a Congregate Living Facility
33 (CLF). If developed residentially, other
34 than as a CLF, the density shall be limited
35 to Low Residential, two units per acre (LR-
36 2)

1 Part II. Repeal of Laws in Conflict

2 All local laws and ordinances applying to the unincorporated area
3 of Palm Beach County in conflict with any provision of this ordinance
4 are hereby repealed to the extent of such conflict.

5 Part III. Severability

6 If any section, paragraph, sentence, clause, phrase, or word of
7 this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 Part IV. Inclusion in the 1989 Comprehensive Plan

11 The provisions of this Ordinance shall become and be made a part
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
13 Ordinance may be renumbered or relettered to accomplish such, and the
14 word "ordinance" may be changed to "section," "article," or any other
15 appropriate word.

16 Part V. Effective Date

17 This amendment shall not become effective until 31 days after
18 adoption. If challenged within 30 days after adoption, this amendment
19 shall not become effective until the state land planning agency or the
20 Administration Commission, respectively, issues a final order
21 determining the amendment is in compliance.

22 **APPROVED AND ADOPTED** by the Board of County Commissioners of
23 Palm Beach County, on the 30th day of March, 2009.

24
25 ATTEST:

26 SHARON R. BOCK, Clerk

27 PALM BEACH COUNTY, FLORIDA,

28 BY ITS BOARD OF COUNTY COMMISSIONERS

29 By: 

30 Deputy Clerk

31 By: 

32 Jeff Koons, Chairman

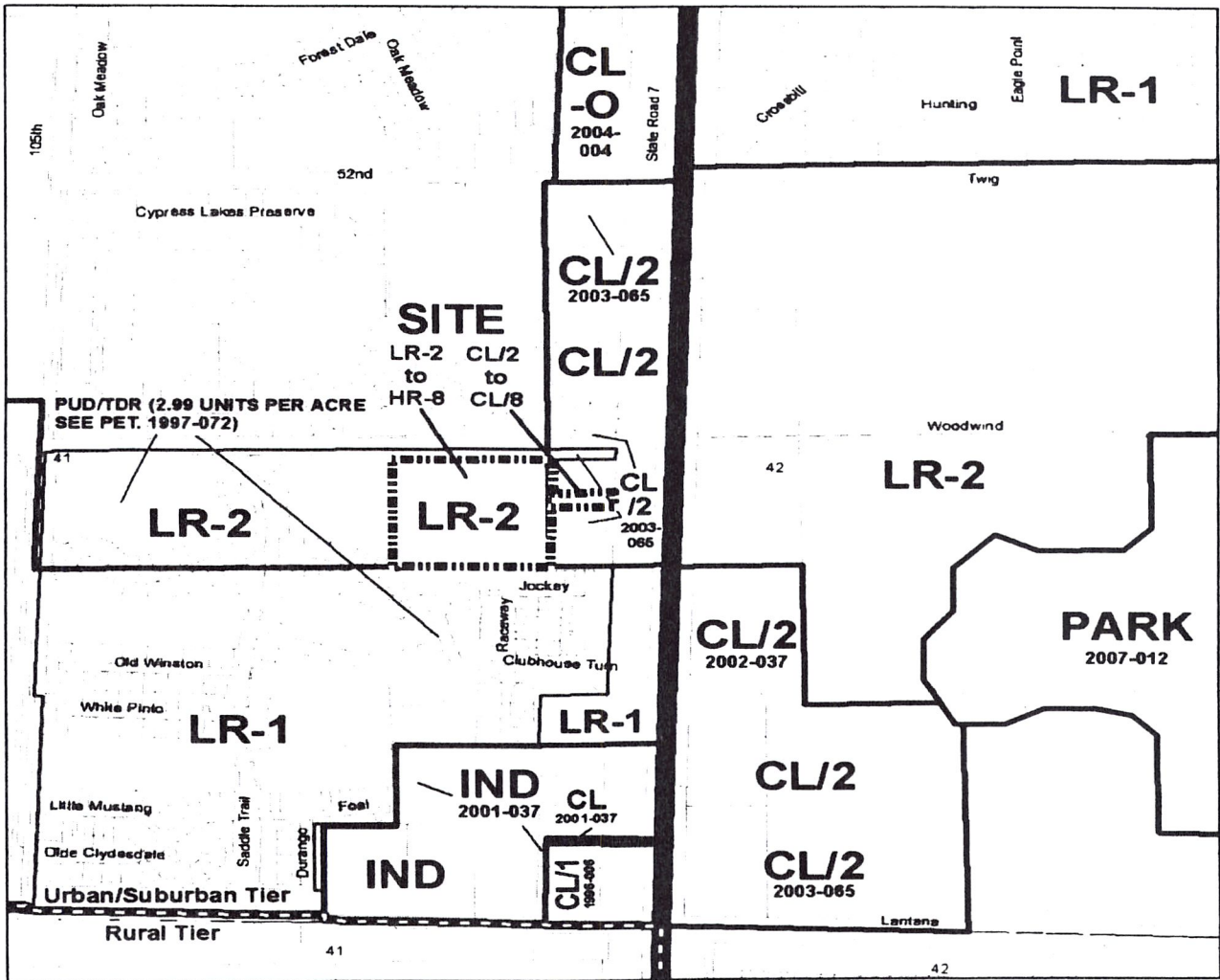
33 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

34 
35 COUNTY ATTORNEY

36
37 Filed with the Department of State on the 3rd day
38 of April, 2009.
39

Exhibit 1

Amendment No.:	State Road 7 / Carlyle CLF (SCA 2009-004)			
FLUA Page No.:	80			
Amendment:	Low residential, 2 units per acre & Commercial Low with an underlying 2 units per acre (LR-2 & CL/ 2) to High Residential, 8 units per acre & Commercial Low with an underlying 8 units per acre (HR-8 & CL/ 8)			
Property No.:	PCN	Acres	Original FLU	FLU
	00-42-43-27-05-035-0174	8.53	LR-2	HR-8
	00-42-43-27-05-035-0171	0.64	CL-2	CL-8
Size:	9.17 total acres (approximately)			
Location:	West side of State Road 7 approximately 1/2 mile north of Lantana Road			
Conditions:	The density associated with the High Residential, 8 units per acre (HR-8), future land use designation shall only be utilized for the development of the property with a Congregate Living Facility (CLF). If developed residentially, other than as a CLF, the density shall be limited to Low Residential, two units per acre (LR-2).			



Legal Description

PARCEL A:

Tracts 17 and 18, Block 35, The Palm Beach Farms Company Plat No. 3, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45-54 inclusive, excepting there from the right of way for State Road No. 7 through Tract 17 and lying within 75.00 feet of Survey Baseline as shown in Road Plat Book 1, Page 40, Public Records of Palm Beach County, Florida;

LESS that part of said Tract 17 being more particularly described as follows:

BEGINNING at a point in the Westerly right of way line of State Road No. 7, said right of way line shown in Road Plat Book 1, Pages 35 to 41, Public Records of Palm Beach County, Florida, said point being the intersection of said right of way line and the South line of said Tract 17; thence South 87°31'38"West, along said South line of Tract 17, a distance of 423.11 feet to a point in the West line of said Tract 17; thence North, parallel with the Westerly right of way line of said State Road No. 7, a distance of 563.25 feet to an intersection with a line 97.00 feet Southerly of and parallel with the North line of said Tract 17; thence North 87°31'38"East, along said parallel line, a distance of 423.11 feet to a point in said Westerly right of way line; thence South along said Westerly right of way line, a distance of 563.25 feet to the POINT OF BEGINNING.

TOGETHER WITH:

PARCEL C:

A portion of Tract 17, Block 35, The Palm Beach Farms Company Plat No. 3, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45-54, inclusive, being more particularly described as follows:

COMMENCING at the intersection of the Westerly right of way line of State Road No. 7, said right of way line shown in Road Plat Book 1, Pages 35 to 41, Public Records of Palm Beach County, Florida, with the South line of said Tract 17, bear North, along said Westerly right of way line, a distance of 310.29 feet to the POINT OF BEGINNING; thence South 87°31'38"West along a line 310.00 feet North of and parallel with the South line of said Tract 17, a distance of 423.11 feet; thence North, parallel with the Westerly right of way line of said State Road No. 7, a distance of 56.71 feet; thence South 86°01'00"East, a distance of 122.17 feet; thence North 87°31'38"East along a line 306.80 feet South of and parallel with the North line of said Tract 17, a distance of 301.11 feet to a point on said Westerly right of way line; thence South along said Westerly right of way line, a distance of 42.96 feet to the POINT OF BEGINNING; LESS and EXCEPT the East 158.54 feet thereof.

TOGETHER WITH:

(P/O PARCEL "B")

A portion of Tract 17, Block 35, Palm Beach Farms Company Plat No. 3, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45-54, inclusive, being more particularly described as follows:

COMMENCING at the intersection of the Westerly right-of-way line of State Road No. 7, said right-of-way line shown in Road Plat Book 1, Pages 35 to 41, of the Public Records of Palm Beach County, Florida, with the South line of said Tract 17; bear North, along said Westerly right-of-way line, a distance of 353.25 feet to the POINT OF BEGINNING; thence South 87° 31' 38" West, along a line 306.80 feet South of and parallel with the North line of said Tract 17, a distance of 301.11 feet; thence North 86° 01' 00" West, a distance of 122.17 feet; thence North, parallel with the Westerly right-of-way line of said State Road No. 7, a distance of 22.49 feet to a point on a line 390 feet North of and parallel with said South line of Tract 17; thence North 89°03'00" East, along said parallel line, 421.64 feet to a point on aforesaid Westerly right-of-way line; thence South 01°28'20" West, along said westerly right-of-way line, 35.97 feet to the POINT OF BEGINNING; LESS and EXCEPT the East 158 feet thereof.

ALSO LESS that parcel of land described in special warranty deed as recorded in Official Records Book 22570, Page 1530, more particularly described as follows:

A portion of Tract 17, Block 35, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45-54, inclusive, being more particularly described as follows:

COMMENCE at the intersection of the Westerly right-of-way line of State Road No. 7, said right-of-way line shown in Road Plat Book 1, Pages 35 to 41, Public Records of Palm Beach County, Florida, with the South line of said Tract 17; thence Northerly, along said Westerly right-of-way line, a distance of 564.39 feet, more or less, to a point of intersection with a line 97.00 feet Southerly of and parallel with, as measured at right angles of, the North line of said Tract 17; thence South 87°31'37" West, along said parallel line, said parallel line also being the Easterly prolongation of the Southerly line of Tract B1, THOROUGHbred LAKE ESTATES PLAT 1, according to the plat thereof, recorded in Plat Book 91, Page 75, said Public Records, a distance of 158.37 feet, more or less, to the West right-of-way line of State Road No. 7, Parcel No. 130, as recorded in Official Records Book 10616, Page 482, said Public Records, and the POINT OF BEGINNING of the following described parcel of land; thence South 00°00'52" East, along said West right-of-way line (said West right-of-way line is assumed to bear South 00°00'52" East and all other bearings are relative thereto), a distance of 173.92 feet; thence departing said right-of-way line, South 87°33'51" West a distance of 263.48 feet; thence North 00°00'52" West, parallel with said West right-of-way line of State Road No. 7, Parcel No. 130, a distance of 173.75 feet to a point on a line, 97 feet Southerly of and parallel with, as measured at right angles to, the North line of said Tract 17, (said parallel line being common with the Southerly line of said Tract B1); thence North 87°31'38" East, along said parallel line, a distance of 263.49 feet to said West right-of-way line of State Road No. 7, Parcel No. 130, and the POINT OF BEGINNING.

Containing in all, 9.171 Acres, more or less.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on MAR 30 2009

dated at West Palm Beach, FL on 4/22/2009

By: Judith Crocker
Deputy Clerk

